

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

UNITED STATES OF AMERICA
upon the relation and for the use of the
TENNESSEE VALLEY AUTHORITY,
Plaintiff,

v.

No. 3:22-cv-00025-GHD-RP

AN EASEMENT AND RIGHT-OF-WAY
OVER 2.84 ACRES OF LAND, MORE OR LESS,
IN DESOTO COUNTY, MISSISSIPPI, and
JOEL I. STEWART, AS TRUSTEE OF THE
JOEL I. STEWART LIVING TRUST,
DATED FEBRUARY 7, 2006,
LINDA B. STEWART, AS TRUSTEE OF THE
LINDA B. STEWART LIVING TRUST,
DATED FEBRUARY 7, 2006
Defendants.

JUDGMENT AND ORDER DISBURSING FUNDS

This action came before the Court on the Joint Motion for Entry of a Proposed Judgment and Order Disbursing Funds. As set forth in the joint motion, Plaintiff and Defendants have agreed to resolve this action with the total amount of compensation to be awarded for the condemned property rights being \$240,000. Plaintiff has deposited with the registry of this Court the total amount of \$240,000, the disbursement of which is provided for herein.

It is, therefore, **ORDERED AND ADJUDGED** that:

1. Defendants shall recover of the Plaintiff \$240,000 as full compensation for the taking of the property rights herein condemned, and Defendants Joel I. Stewart, Trustee of the Joel I. Stewart Living Trust, dated February 7, 2006, and Linda B. Stewart, Trustee of the Linda B. Stewart Living Trust, dated February 7, 2006, shall receive all of that amount.
2. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$240,000, plus any accrued interest thereon

less the applicable registry fee, payable to "Joel I. Stewart, Trustee of the Joel I. Stewart Living Trust, dated February 7, 2006 and Linda B. Stewart, Trustee of the Linda B. Stewart Living Trust, dated February 7, 2006" and to mail said check to Paul R. Scott, Esq., 2545 Caffey Street, Hernando, Mississippi 38632 in full satisfaction of this Judgment.

3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on February 9, 2022 (ECF Doc. 2), is hereby fully and finally confirmed with respect to the following-described property rights, said description being the same as in Attachment 1 to the Declaration of Taking filed herein (ECF Doc. 2-1):

Permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, including guy wires, in, on, over, and across said right-of-way, together with the perpetual right to clear said right-of-way and keep the same clear of structures (including but not limited to flagpoles, solar panels, buildings, signboards, billboards), trees, brush, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush; to prevent the drilling or sinking of wells within the right-of-way; and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any line, structure, appurtenance, or conductor (including structures and conductors being on and over adjacent land), the Tennessee Valley Authority to remain liable for any direct physical damage to the land and annual growing crops resulting directly from the operations of the construction and maintenance forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said transmission line structures, all upon, under, over, and across the following-described land:

TRACT NO. MWND-4

A strip of land located in Section 20, Township 1 South, Range 6 West, of DeSoto County, Mississippi, as shown on the map entitled "Olive Branch-Desoto Rd. Trans. Line Tap to Mineral Wells Tap to North DeSoto, Miss. Substation," drawing LW-5463, sheet P10DCCA, R. 3, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the said strip being 100 feet wide, lying 50 feet on each side of the centerline of the transmission line location, the centerline of the location and the end boundaries of the strip being more particularly described as follows:

Commence at an 1/2" iron pin with cap at the southernmost corner of the Northcentral Mississippi Electric Power Association property as shown on said sheet and being 389.39 feet left of centerline location at survey station 2+81.00; thence with the southwest line of said Northcentral Mississippi Electric property in a northwesterly direction, 392.3 feet, more or less, to a point on the centerline of the location at survey station 3+28.9, thence with the centerline of the location S. 52° 26' 34" W., 855.41 feet to a point on the southwest right-of-way of Old Highway 78, on the centerline of the location at station 11+84.31, and being the point of beginning.

The said strip being bounded on the eastern end by the said road right-of-way line; thence with the centerline of the location S. 52° 26' 34" W., 96.86 feet to a point of intersection on the centerline of the location at survey station 12+81.17 having the state plane coordinates of North: 1995398.63 East: 2438395.36; thence with the centerline of the location S. 67° 38' 58" W., 893.2 feet to a point of intersection on the centerline of the location at survey station 21+74.37 having the state plane coordinates of North: 1995058.97 East: 2437569.26; thence with the centerline of the location N. 36° 06' 16" W., 247.73 feet to a point of ending on the eastern property line of Focal Point Investment, LLC on the centerline of the location at survey station 24+22.1, the said strip being bounded on the west end by the said property line, the ends of said strip are shortened or extended to said property lines.

The strip of land described above includes the centerline of the transmission line location for a net distance 1237.79 feet and contains 2.84 acres, more or less.

Furthermore, the permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structures located at survey stations 12+81.17 and 21+74.37.

Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title, and interest as the owners of the above-described land may have in Tract MWND-3, State of Mississippi (Old Highway 78), the adjoining road right-of-way as shown on the map referenced above.

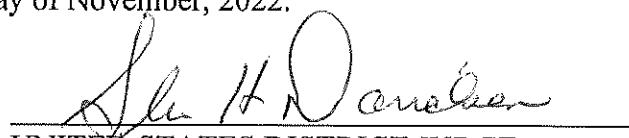
The coordinates, distances and directions of lines are referred to the Mississippi West Coordinate System, NAD83(2011) Horizontal Datum, NAVD88 (Geoid12A) Vertical Datum.

Record landowners as of the date of the filing of the Declaration of Taking – Joel I. Stewart, Trustee of the Joel I. Stewart Living Trust, dated February 7, 2006, and Linda B. Stewart, Trustee of the Linda B. Stewart Living Trust, dated February 7, 2006 (Deed Book 726, page 1 in the office of the Chancery Court Clerk of DeSoto County, Mississippi)

4. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

It is **FURTHER ORDERED** that, all legal issues having been resolved, and with the agreement of the parties, this action is hereby **DISMISSED WITH PREJUDICE** and the Clerk of the Court is **DIRECTED** to close this case.

It is SO ORDERED, on this the 7th day of November, 2022.



UNITED STATES DISTRICT JUDGE

We hereby approve and consent
to the entry of this Judgment:

s/John E. Pevy

James S. Chase (TN BAR 020578)
John E. Pevy (TN BAR 034390)
TVA GENERAL COUNSEL'S OFFICE
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401
Telephone 865.632.7343
Email jepevy@tva.gov

Attorneys for Plaintiff
112206531

s/Paul R. Scott (by permission)

Paul R. Scott, (MSB #6575)
SMITH, PHILLIPS, MITCHELL, SCOTT
& NOWAK, LLP
P.O. Box 346, 2545 Caffey Street
Hernando, Mississippi 38632
Telephone 662.429.5041
Email pscott@smithphillips.com

Attorney for Defendants